

Serial No. 09/923,125

Remarks

Applicant respectfully reminds the Examiner that the present application has been granted a special, expedited examination status.

The present application is a continuation and claimed priority of a parent application, which was filed on August 1, 1997 and matured into U.S. Patent No. 6,275,231 issued on August 14, 2001.

The Examiner previously cited, as a prior art reference in the application, the DiLorenzo patent (U.S. Patent No. 6,438,450) issued from a continuation-in-part (CIP) of an application filed on April 14, 1999. Thus, the effective filing date of DiLorenzo, at best, is April 14, 1999 which is, however, after the effective filing date of the present application which, at least, is as early as August 1, 1997 (the filing date of the parent application). This being so, DiLorenzo cannot be prior art with respect to the present application under 35 U.S.C. 102. Thus, it is respectfully requested that DiLorenzo be removed from the record as a prior art reference.

Claims 21-29, 31-39 and 41-58 stand rejected under 35 U.S.C. 103(a) as being allegedly obvious over Bickford in view of DeLorme. In view of the filing date of Bickford, which is June 27, 1997, applicant Michael L. Obradovich has submitted herewith a Declaration Pursuant to 37 C.F.R. § 1.131 to antedate such a filing date.

As established in the Declaration, the claimed invention was conceived before June 1997. In addition, applicant exercised due diligence from prior to the filing date of Bickford, i.e., June 27, 1997, to a subsequent constructive reduction of the invention to practice. Such due diligence is evidenced by the facts that at least during that period applicant worked on a continual basis with the undersigned in seeking patent protection for the invention, resulting in the filing of the parent application on August 1, 1997. Since the filing date of Bickford is antedated, the Examiner's rejection should be withdrawn.

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In view of the foregoing, each of claims 21-29, 31-39 and 41-58 is believed to be in condition for allowance. Accordingly, reconsideration of these claims is requested and allowance of the application is earnestly solicited.

Respectfully,

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By



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